

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of
Reg. No. 1,453,986 for NEXPERT
and Reg. No. 1,963,840 for NEXPERT OBJECT

NEXPRESS SOLUTIONS, LLC

Petitioner,

v.

NEURON DATA, INC.

Registrant.

I hereby certify that this correspondence is being deposited
today with the United States Postal Service as First Class
Mail in an envelope addressed to:

BOX TTAB FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Luba S. Romero
Luba S. Romero

8/28/02
Date

Cancellation No. _____

02 SEP 11 AM 12:29
TRADEMARK TRIAL AND
APPEAL BOARD

Consolidated Petition To Cancel

Petitioner NexPress Solutions, LLC, pursuant to 15 U.S.C. § 1064(3) and through its undersigned attorneys, in petitioning to cancel the above-identified registrations, states as follows:

1. Petitioner is a New York limited liability company with a principal place of business at 1447 St. Paul Street, Rochester, New York 14653.

2. Petitioner is a joint venture between Eastman Kodak Company and Heidelberger Druckmaschinen AG, and it develops, manufactures and markets digital printing presses.

3. On April 25, 2001, Petitioner applied to register the mark NEXPERT in Class 9. The application was assigned Serial No. 78/060,318.

4. The application has been refused registration on the ground of a likelihood of confusion with two registrations (the "Registrations"), summarized below, owned by Registrant Neuron Data, Inc. ("Registrant"):

Mark	Goods	Reg. No.	Reg. Date
NEXPERT	artificial intelligence computer programs	1,453,986	August 11, 1993
NEXPERT OBJECT	computer programs for use in developing computer programs and instructional manuals distributed therewith	1,963,840	March 26, 1996

09/04/2002 JHARLEY 00000049 083436 1453986

01 FC:376 300.00 CH

Copies of the certificates of registration are attached hereto.

5. Upon information and belief, Registrant is a California corporation having, now or at one time, a place of business in Palo Alto, California.

6. Upon information and belief, the ownership and/or the name of Registrant has changed one or more times since the registration dates of the Registrations. The current owner is believed to be either Blaze Software, Inc. or HNC Software, Inc., located at 181 Metro, Suite 600, San Jose, California 95110.

7. Upon information and belief, neither Registrant nor its successor(s) is using the marks that are the subject of the Registrations and has not been using them for nearly ten years. Therefore, Registrant has abandoned the marks.

8. Registrant is not entitled to maintain registrations for marks that are no longer being used. The invalid registrations are currently preventing Petitioner from registering its NEXPERT mark. Cancellation of the Registrations will allow Petitioner to proceed.

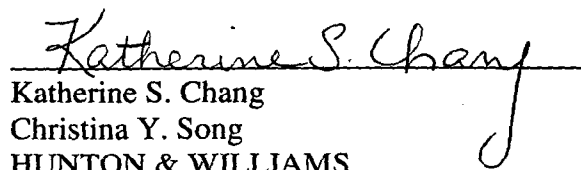
9. Petitioner believes that it is being damaged by the Registrations and therefore petitions to cancel the Registrations.

10. This Consolidated Petition To Cancel is being filed in duplicate. The filing fee of \$600.00, and any other required charges, may be charged to Hunton & Williams's deposit account # 08-3436.

Petitioner respectfully requests that the Registrations be cancelled on grounds of abandonment.

Respectfully submitted,

August 28, 2002


Katherine S. Chang
Christina Y. Song
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Attorneys for Petitioner
NexPress Solutions, LLC

Int. Cl.: 9

Prior U.S. Cl.: 38

United States Patent and Trademark Office **Reg. No. 1,453,986**
Registered Aug. 25, 1987

**TRADEMARK
PRINCIPAL REGISTER**

NEXPERT

NEURON DATA, INC. (CALIFORNIA CORPORATION)
444 HIGH STREET
PALO ALTO, CA 94301

FIRST USE 6-0-1985; IN COMMERCE
9-0-1985.

SER. NO. 592,557, FILED 4-10-1986.

FOR: ARTIFICIAL INTELLIGENCE COMPUTER PROGRAMS, IN CLASS 9 (U.S. CL. 38).

G. T. GLYNN, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cl.: 38

United States Patent and Trademark Office

Reg. No. 1,963,840

Registered Mar. 26, 1996

**TRADEMARK
PRINCIPAL REGISTER**

NEXPERT OBJECT

NEURON DATA, INC. (CALIFORNIA CORPORATION)
UNIVERSITY AVENUE
PALO ALTO, CA 94301

FOR: COMPUTER PROGRAMS FOR USE IN
DEVELOPING COMPUTER PROGRAMS AND
INSTRUCTIONAL MANUALS DISTRIBUTED
THEREWITH, IN CLASS 9 (U.S. CL. 38).

FIRST USE 12-31-1985; IN COMMERCE
12-31-1985.

OWNER OF U.S. REG. NO. 1,453,986.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "OBJECT", APART FROM THE
MARK AS SHOWN.

SER. NO. 74-576,332, FILED 9-21-1994.

MARY C. MACK, EXAMINING ATTORNEY

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MARY C. MACK, EXAMINING ATTORNEY

8/30

**HUNTON &
WILLIAMS**

August 28, 2002

*Via First Class Mail
Certificate of Mailing Procedure*

Box TTAB FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Consolidated Petition To Cancel

Dear Sir:

We have enclosed for filing a Consolidated Petition To Cancel. Also enclosed is a self-addressed, postage prepaid postcard, which we request that your office date-stamp and return to us to acknowledge receipt of the document.

Please charge any required fees to Hunton & Williams's Deposit Account No. 08-3436. A duplicate copy of this letter is enclosed for that purpose.

Please direct any correspondence or inquiries concerning the enclosed documents to the undersigned.

Very truly yours,

Katherine S. Chang

Katherine S. Chang

Enclosures

TTAB

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NEW YORK, NEW YORK 10166-0136

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FILE NO: 54804.12

08-30-2002

U.S. Patent & TMO/TM Mail Rpt. Dt. #40